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VIA ELECTRONIC FILING

Honorable Peter G. Sheridan
United States District Judge
United States District Court
M.L.K. Courthouse and Federal Building
50 Walnut Street
Newark, New Jersey 07102

So Ordered
Peter G. Sheridan
11/12/08

Re: Noriega v. Gonzales, Civil Action No. 06-1073 (PGS)

Dear Judge Sheridan:

While I am extremely reluctant to make this one last request for additional time, a confluence of circumstances beyond what I have ever experienced in over 30 years of practice, leave me no choice. Starting on Friday, November 7, 2008, my wife experienced a very severe reaction to the antibiotic, Clinamycin, that her surgeon had prescribed for the infection that developed from the surgery on her broken ankle. As a result, a substantial portion of my weekend was devoted to obtaining emergency care for this reaction, dealing with the side effects, and following that, taking her to the doctor's today, despite my having budgeted that time to complete our response and cross motion in this case. Moreover, the chemotherapy that my associate must take starting each Thursday has proved to be far more debilitating than anticipated, keeping her out of the office on weekends and not allowing her to return to work effectively until Tuesdays.

Accordingly, with due regard for this Court's schedule, I would most humbly ask for one last extension to November 17, 2008 within which to complete our response and cross motion.

While I have not been able to communicate with my adversary Assistant United States Attorney Dan Gibbons, I do not believe that the government would be prejudiced by this one last request.

Respectfully submitted,
/s/Thomas E. Moseley
Thomas E. Moseley

cc: AUSA Dan Gibbons (BY ECF)